

IN THE UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:24-cv-1092

DENISE HAMRICK

Plaintiff,

v.

PENNSYLVANIA NATIONAL MUTUAL
CASUALTY INSURANCE COMPANY,

Defendant.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, Pennsylvania National Mutual Casualty Insurance Company (hereinafter “Defendant”), hereby removes this action from the Superior Court of Union County to the United States District Court for the Western District of North Carolina.

I. NATURE OF ACTION

1. This matter arises from a property insurance claims made by Plaintiff pursuant to a policy of insurance issued to Plaintiff by Defendant as a result of storm damage allegedly occurring on June 16, 2022 and May 8, 2024. *Complaint*, ¶5.

II. NOTICE OF REMOVAL IS TIMELY

2. Defendant was served with a copy of the Summons and Complaint on November 15, 2024, however, process was not transmitted to Defendant until November 21, 2024, and was not actually delivered to Defendant prior to December 17, 2024.

3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely as it was filed within 30 days of the actual service of process on and/or actual receipt of the action by Defendant. “The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based ...” 28 U.S.C. § 1446(b) (1996).

III. FEDERAL JURISDICTION EXISTS

4. Pursuant to 28 U.S.C. § 1332(a), as set forth below, complete diversity exists and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Accordingly, this Court has federal diversity jurisdiction over this civil action. *See* 28 U.S.C. § 1332(a) (2005).

A. Complete Diversity Exists Between Plaintiff and Defendant

5. Plaintiff in this action is a citizen and resident of the State of North Carolina, Union County. *Complaint*, ¶ 1.

6. Defendant in this action is a corporation organized under the laws of the State of Pennsylvania and is authorized to conduct business in the State of North Carolina.

B. The Amount in Controversy Exceeds \$75,000.00, Exclusive of Interest and Costs.

7. Plaintiff seeks compensatory, treble damages as a result of the Defendant's alleged wrongful conduct. *Complaint*. ¶38

8. Pursuant to the Complaint, Plaintiff states that as a result of the Defendant's alleged wrongful conduct, they are entitled to recover damages, including, but not limited to, the following:

(a) Award Plaintiff damages for Defendant's actual, special, incidental, consequential and punitive damages in an amount to be at least \$25,000.00;

(b) An award for costs of bringing this action, including interest from the date of filing of this Complaint, and reasonable attorney's fees be taxed against Defendant pursuant to N.C. Gen. Stat. § 6-21.1

(c) Plaintiff seeks to have these damages trebled. Complaint. ¶38

Complaint, Prayer for Relief.

9. Given the nature of Plaintiff's claim and pre-suit demands coupled with Plaintiff's request for treble damages, it is clear the relief Plaintiff seeks in this action exceeds \$75,000.00

IV. REMOVAL TO THIS DISTRICT COURT IS PROPER

10. Venue is proper in the United States District Court for the Western District of North Carolina because the Superior Court of Union County, North Carolina sits within this federal district. *See*, 28 U.S.C. § 1446(a); 28 U.S.C. § 1391(a) (2002).

V. CONSENT AND REMOVAL REQUIREMENTS

11. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served to date upon Defendant in this matter are attached hereto as Exhibit "A".

12. All Defendant(s) consent to this Notice of Removal and join in the same.

13. This Notice of Removal will promptly be served on Plaintiff, and a notice of its filing will be promptly filed with the Clerk of Superior Court of Union County, North Carolina, pursuant to 28 U.S.C. § 1446(d).

VI. RESERVATION OF RIGHTS

14. Defendant hereby reserves any and all rights to assert any defenses to Plaintiff's Complaint.

15. Defendant hereby reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant, Pennsylvania National Mutual Casualty Insurance Company, by and through undersigned counsel, hereby give notice that the above-entitled matter has been timely removed to this Court.

This the 17th day of December, 2024.

MCANGUS GOUDELOCK & COURIE, PLLC

s/ John T. Jeffries

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon all counsel of record by electronic mail addressed as follows:

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/s/ John T. Jeffries